

SENTENCING COMMISSION

MINUTES

Committee:	SENTENCING COMMISSION MEETING
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Date:	Wednesday, September 1, 2004	Time:	12:00pm-2:00pm	Place:	State Office Building, Auditorium
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Members Present	Senator Gregory Bell, Judge Jeffrey Burbank, Blake Chard, Judge Terry Christiansen, K.S. Cornaby, Scott Daniels, Curt Garner (for Mike Sibbett) Marlene Gonzalez, Judge Paul Maughan, Rep. Ty McCartney, Ed McConkie, G. Fred Metos, Brian Namba, Judge Gregory K. Orme, Chief Ed Rhoades, Sy Snarr, Kirk Torgenson,
Members Excused	Sheriff Phil Barney, Paul Boyden, Scott Carver, Calvin Clegg, Senator Mike Dmitrich, John Hill, Jim Marchel, Kathy Reimherr, Rep. Mike Thompson, Judge Robert S. Yeates
Staff	Julie Christenson, Ron Gordon, Mike Haddon, Jo Lynn Kruse

Visitors	Chris Mitchell, Cliff Butter, Mary S. Corporon, Gary Dalton, Grand County Sheriff James Nyland
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Agenda Item:	Welcome and Approval of Minutes
Notes:	Kay Cornaby welcomed everyone and introduced new member, Scott Daniels. Kay presented Mary Corporon a plaque in recognition of her years of service to the Utah Sentencing Commission. Ed McConkie made the motion to approve the minutes from the June 2 nd meeting. Judge Maughan seconded the motion and it passed unanimously .

Agenda Item:	Salt Lake Criminal Justice System Assessment – Gary Dalton, SL Co Criminal Justice Serv.
Notes:	<p>Gary Dalton presented findings of the Salt Lake County Criminal Justice System Assessment. This assessment notes that Salt Lake County experienced severe jail crowding at the former Metro Jail. A new facility was built and it too quickly became crowded. Now a serious budget crisis has policy makers debating a solution to deal with diminishing resources and rising jail costs.</p> <p>Jail overcrowding is due to the average length of stay for inmates doubling since 1997 and pre-trial incarceration. Many pre-trial detainees are held for long periods awaiting adjudication. Data reveals that accused offenders not released within the first few days of arrest, spent an average of 67 days, even though more than half of them were charged with misdemeanor offenses. Another interesting note is that several cities have particularly high booking rates in relation to their population size and crime rates (i.e., South Salt Lake, Salt Lake City, West Valley, and Midvale).</p> <p>Seventy six recommendations for the criminal justice system are included in the report, including a recommendation for the development of Misdemeanor Sentencing Guidelines. The Sentencing Commission is currently working on this.</p>

Agenda Item:	Jail as a Condition of Probation Guidelines – Chris Mitchell
Notes:	<p>The issue at hand is jail as a condition of probation on felony cases. We are finding differences throughout the state, county by county with some sentences being 2 ½ times difference in number. We're wondering if there should be some sort of jail guideline. Chris handed out a sheet of paper illustrating three options. The first table suggests a guideline using 25th percentile and smoothing. The second table suggested using ten percent of the recommended prison time rounded to the nearest 30 days. The third table suggests a guideline based on current averages. Some members did not want to make a decision today because we have limited information on the number of jail days served versus the number of jail days ordered. Blake Chard made the motion to continue work on a jail guideline based on a percentage of the recommended prison time. His motion included more study on the subject, including information on the number of jail days served for jail sentences ordered as a condition of probation. Senator Bell would like to see another report from CJAC six months from now. Brian Namba seconded the motion and it passed unanimously.</p>

The next meeting is scheduled for Wednesday, October 6, 2004 at noon, State Capitol Complex, East Office Building, Corner room on the 1st floor, off the cafeteria.

Minutes prepared by Jo Lynn Kruse - Executive Secretary, CCJJ